THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

CIVIL REVISION PETITION No.2493 OF 2007

DATED: 08.03.2011

Between:

U.Prameelamma.

.... PETITIONER

And

A.Krishna Reddy.

.... **RESPONDENT**

ORDER:

This Civil Revision Petition is directed against the order, dated 06.01.2007, in C.M.A.No.4 of 2005 on the file of the learned II Additional District Judge, Kurnool, wherein the said appeal filed by the respondent herein was allowed and the order, dated 28.07.2005, in I.A.No.544 of 2004 in O.S.No.213 of 2004 on the file of the learned Junior Civil Judge, Pathikonda was set aside and temporary injunction granted pending disposal of the suit was vacated.

2. Heard both sides. Perused the record.

3. Petitioner herein filed the suit for permanent injunction in respect of the plaint schedule property against the respondent. She also filed I.A.No.544 of 2004 seeking temporary injunction. The trial Court held that the petitioner-plaintiff was in possession of the property and therefore granted temporary injunction relying upon Ex.A1-ryotwari pass book. Aggrieved by the same, respondent filed an appeal in C.M.A.No.4 of 2004. The appellate Court however reversed the finding of the trial Court and held that in view of Ex.B2-Adangal and third party affidavits, respondent herein proved his claim of possession

and therefore there is no *prima facie* case or balance of convenience in favour of the petitioner herein-plaintiff. Aggrieved by the same, plaintiff filed the present Civil Revision Petition.

4. While admitting the Civil Revision Petition, by order, dated 15.06.2007, this Court directed both parties to maintain *status quo* in respect of the suit property till further orders. As the suit is one for injunction and both parties are claimed to be in possession; in view of the order of *status quo* granted by this Court earlier and also the fact that the suit is of the year, 2004, it is considered that without going into the merits of the case at this stage and at this length of time, after filing of the suit, a direction can be issued to the trial Court to dispose of the suit itself. Accordingly, the trial Court is directed to dispose of the suit within four months from the date of receipt of a copy of this order and till such time, *status quo* order granted by this Court on 15.06.2007 shall remain in force.

5. Accordingly, Civil Revision Petition is disposed of. There shall be no order as to costs.

G.V.SEETHAPATHY, J

08th March, 2011.
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